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Summary record of the 50th meeting
Held at Headquarters, New York, on Tuesday, 21 November 2006, at 10 a.m.

Chairman: Mr. Al Bayati ..... (Iraq)
later: Mr. Faati (Vice-Chairman) ..... (Gambia)
later: Mr. Al Bayati (Chairman) ..... (Iraq)

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06-62483 (E)

The meeting was called to order at 10.35 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/61/L.55)

Draft resolution A/C.3/61/L.55: Assistance to refugees, returnees and displaced persons in Africa

1. **The Chairman** said that the draft resolution had no programme budget implications.

2. **Mr. Thomas** (Namibia), speaking on behalf of the sponsors which were members of the African Group, said that the draft was important for Africa and, for that reason, asked for action to be taken.

3. **Mr. Khane** (Secretary of the Committee) announced that Austria, Bangladesh, Barbados, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Dominica, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Latvia, Lithuania, Mauritania, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia and the United Kingdom had also joined the sponsors.

4. *Draft resolution A/C.3/61/L.55 was adopted.*

Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/61/L.53/Rev.1)

Draft resolution A/C.3/61/L.53/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

5. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications and referring to paragraph 37 of the draft resolution, said that, in the report of the Secretary-General to the sixty-first session of the General Assembly on the "Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006" (A/61/530), related to Human Rights Council resolution 1/5, the Secretary-General had informed the General Assembly that resources for conference-servicing costs relating to the extension of the mandate of the Working Group already existed in the programme budget for the biennium 2006-2007 under section 2, General Assembly and Economic and Social Council affairs and conference management, $372,700, and under section 28E, Administration, Geneva, $6,600. The additional requirements of $200,500 for travel and daily subsistence allowance for five highly qualified experts called for in Human Rights Council resolution 1/5 and for general temporary assistance for six months for support to those experts would be accommodated within existing resources, under section 23, Human rights. Hence, no additional appropriations would be required.

6. Regarding paragraph 45 of the draft resolution, the Secretary-General had informed the General Assembly that budgetary provisions had already been made for the activities relating to the various human-rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved for the biennium 2006-2007, falling under section 23, Human rights, of the programme budget for that biennium.

7. Under that decision, the Human Rights Council had decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the Commission's special procedures of the Subcommission on the Promotion and Protection of Human Rights and the procedure established in accordance with Economic and Social Council resolution 1503 (XLVII) of 27 May 1970, as listed in the annex to the decision. The mandate of the Special Rapporteur referred to in paragraph 45 of the draft resolution was included in the annex.

8. **Mr. Keisalo** (Finland), speaking on behalf of the European Union, asked that action on the draft resolution should be postponed, as negotiations were still under way.

9. **Ms. Hoosen** (South Africa), speaking on behalf of the Group of 77, said that in a spirit of cooperation and to show flexibility, the Group could agree to a postponement until the following morning.

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/61/L.21/Rev.1, L.22, L.29/Rev.1 and L.32/Rev.1)

Draft resolution A/C.3/61/L.21/Rev.1: Human rights and extreme poverty

10. **Mr. Khane** (Secretary of the Committee), referring to paragraph 10 of the draft resolution, said that, in the report of the Secretary-General to the sixty-first session of the General Assembly on the "Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006" (A/61/530), the Secretary-General had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human-rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved for the biennium 2006-2007. Those fell under section 23, Human rights, of the programme budget for that biennium.

11. Under that decision, the Human Rights Council had decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the Commission's special procedures of the Subcommission on the Promotion and Protection of Human Rights and the procedure established in accordance with Economic and Social Council resolution 1503 (XLVII) of 27 May 1970, as listed in the annex to the decision. The mandate of the Independent Expert on the question of human rights and extreme poverty was included in the annex.

12. **Ms. Tincopa** (Peru) announced that China, Cuba, El Salvador, Germany, Hungary, Indonesia, Japan, Lithuania, Malta, the Netherlands, the Philippines, the Republic of Korea and Venezuela (Bolivarian Republic of) had joined the sponsors.

13. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Algeria, Australia, Bangladesh, Bolivia, Botswana, Bulgaria, Burundi, Cambodia, Cameroon, Canada, the Comoros, Costa Rica, Côte d'Ivoire, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Dominica, the Dominican Republic, Guyana, Haiti, Iceland, Italy, Jamaica, Kenya, Latvia, Lebanon, Lesotho, Liberia, Mongolia, Mozambique, Myanmar, Nicaragua, the Niger, Norway, Pakistan, Rwanda, San Marino, Senegal, Sierra Leone, Spain, Sri Lanka, the Sudan, Sweden, Thailand, Timor-Leste, Uganda, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe had also joined the sponsors.

14. *Draft resolution A/C.3/61/L.21/Rev.1 was adopted.*

15. **Ms. Hughes** (United States of America), speaking in explanation of position, said that her delegation had joined the consensus on the draft resolution, but had concerns that it did not adequately reflect the fact that respect for human rights was in and of itself an important tool for fighting extreme poverty. While development was a central commitment of the United States' foreign policy, good governance was an essential condition for development and addressing poverty, as were rooting out corruption, respecting human rights and adhering to the rule of law. International support and sound national economic policies were the best way to address extreme poverty to ensure that basic services could be provided and basic rights protected in the developing world.

Draft resolution A/C.3/61/L.22: Subregional Centre for Human Rights and Democracy in Central Africa

16. **Mr. Khane** (Secretary of the Committee) said that Belarus, Burkina Faso, Ghana, India, Madagascar and South Africa had joined the sponsors.

17. He said that, under the terms of paragraph 3 of the draft resolution, the General Assembly would request the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources to enable the Subregional Centre for Human Rights and Democracy in Central Africa to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy in that subregion.

18. Provisions for the activities had already been included in the programme budget for the biennium 2006-2007. The General Assembly had appropriated $83,352,600 under section 23, Human rights, for the biennium 2006-2007, of which $1,327,600 was for the Subregional Centre for Human Rights and Democracy

in Central Africa. The Secretary-General would review the requirements for the biennium 2008-2009 in the context of his proposed budget for 2008-2009. The adoption of the draft resolution would thus not entail any additional appropriation.

19. He drew attention to section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and also reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

20. **Mr. Nyamulinda** (Rwanda), speaking on behalf of the sponsors and also as representative of the president of the United Nations Standing Advisory Committee on Security Questions in Central Africa, said that the draft resolution was ready for action to be taken, and that Equatorial Guinea had also joined the sponsors. He said that paragraph 3 should be revised to read:

> "*Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources within existing resources of the Office of the High Commissioner for Human Rights to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion;"

21. He thanked Member States, the Secretary-General and the United Nations High Commissioner for Human Rights for their ongoing support to the Centre's activities, which he hoped would continue so that it could carry out its important mission. He hoped that the draft resolution would be adopted by consensus.

22. **Mr. Khane** (Secretary of the Committee) announced that Botswana, the Comoros, Costa Rica, Croatia, Djibouti, Egypt, Eritrea, Lesotho, Liberia, Sierra Leone, Spain, Sri Lanka, Tunisia and Uganda had joined the sponsors.

23. **Ms. Escobar** (Bolivarian Republic of Venezuela) said that her delegation appreciated the activities of the Centre and welcomed the efforts made in the promotion and protection of human rights in the Africa region. However, she wished to point out that the 2005 World Summit Outcome document referred to in the seventh preambular paragraph had no mandate for her Government.

24. **Ms. Carvalho** (Portugal) said that her delegation wished to join the sponsors.

25. **Mr. Amorós Núñez** (Cuba), speaking in explanation of position, said that the Centre carried out important work and merited continued support. Nevertheless, the draft resolution contained elements, for example in the preamble, which were limited to given countries in the African region. Therefore, adoption of the draft resolution would not mean that those elements had the full support of the United Nations membership.

26. **Mr. Solórzano** (Nicaragua) said that his delegation wished to join the sponsors.

27. *Draft resolution A/C.3/61/L.22, as orally revised, was adopted.*

Draft resolution A/C.3/61/L.29/Rev.1: Protection of migrants

28. **Mr. Khane** (Secretary of the Committee) said that, under paragraph 5 of the draft resolution, the General Assembly would take note with appreciation of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its third and fourth sessions.

29. At its 29th meeting, that Committee had decided to request the Secretary-General to arrange two one-week sessions for it in 2007, to replace one three-week session. Based on the pattern of meetings of that Committee, the calendar of conferences and meetings of the United Nations for 2006 and 2007 provided for two one-week sessions of the Committee in 2007.

30. The full costs of conference-servicing of the Committee's meetings were estimated at $640,800 under section 2, General Assembly and Economic and Social Council affairs and conference management, and $6,100 under section 28E, Administration, Geneva. Provisions for the meetings had already been included in the programme budget for the biennium 2006-2007 under those sections. For the travel of Committee members, requirements estimated at $126,000 exceeded the resources available by an estimated $31,400. It was anticipated that that additional requirement for travel would be met within the overall resources provided under section 23, Human rights, for

the biennium 2006-2007. Hence, the adoption of the draft resolution would not entail any additional appropriation.

31. **Ms. Olivera** (Mexico), speaking on behalf of the sponsors, announced that Algeria, Armenia, Colombia, Guyana and Indonesia had joined the sponsors. She hoped that the draft resolution could be adopted without a vote, thereby showing unanimous support for the protection of migrants wherever they were and regardless of their migratory situation.

32. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Cambodia, Cameroon, Eritrea, Rwanda, Sri Lanka, the Sudan and Togo had joined the sponsors.

33. *Draft resolution A/C.3/61/L.29/Rev.1 was adopted.*

34. **Ms. Hughes** (United States of America), explaining her delegation's position, said that her country had joined the consensus on the draft resolution. In 2005 alone, the United States had granted legal permanent residence to more than one million immigrants. It welcomed legal immigrants and properly documented temporary visitors, including workers and students, and was committed to protecting the human rights of migrants within its borders.

35. More than one million United States citizens were living and working abroad, contributing vitally to the global economy. The United States urged its citizens to observe all local laws when moving to or working in another country, and expected the same of foreign nationals residing on its territory. It promoted legal, orderly and humane migration, since effective migration management, including the protection of the human rights of migrants, was critical in maximizing the benefits of migration and addressing its challenges. All countries, including those of origin, transit and destination, must be committed to those objectives.

Draft resolution A/C.3/61/L.32/Rev.1: Regional arrangements for the promotion and protection of human rights

36. **Mr. Khane** (Secretary of the Committee) said that, under paragraph 10 of the draft resolution, the General Assembly would request the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget for technical cooperation to the activities of the Office of the High Commissioner for Human Rights to promote regional arrangements.

37. Provisions for the activities of the Office of the High Commissioner from within the regular budget for technical cooperation had already been included in the programme budget for the biennium 2006-2007. In that regard, he recalled that the General Assembly had appropriated the amount of $45,622,000 under section 22 (Regular programme of technical cooperation) for the 2006-2007 biennium, of which $2,909,100 was for advisory services and other support for human-rights field activities. Adoption of the draft resolution would not, therefore, entail any additional appropriation.

38. Regarding paragraph 9, he drew attention to the provisions of section VI of General Assembly resolution 45/248 B, in which the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

39. *Mr. Faati (Gambia), Vice-Chairman, took the Chair.*

40. **Mr. Nihon** (Belgium), speaking on behalf of the sponsors, said that Chile, Gambia, Liechtenstein, Mongolia, the Philippines, Rwanda and Thailand had joined the sponsors of the draft resolution. He thanked the sponsors for their support, spirit of consensus and proposals, which had been taken into account in the revised text, and expressed the hope that the draft resolution would be adopted without a vote.

41. **Mr. Khane** (Secretary of the Committee) announced that Andorra, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Kenya, Lesotho, Mauritania, Sierra Leone, South Africa, Tuvalu and Uganda had joined the sponsors.

42. **Mr. Amorós Núñez** (Cuba), explaining his delegation's position, thanked the delegation of Belgium for its spirit of cooperation and for taking into account the concerns of the Cuban delegation during negotiations on the draft resolution. It was the understanding of his delegation that paragraph 11 did not mean in any way that the Third Committee was endorsing or supporting the plan of the High

Commissioner for Human Rights to strengthen United Nations human-rights-related actions at the country level, nor did it prejudge the decision that Member States would ultimately have to take regarding proposals formulated by the High Commissioner in relation to that plan.

43. *Draft resolution A/C.3/61/L.32/Rev.1 was adopted.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/61/L.41)

Draft resolution A/C.3/61/L.41: Situation of human rights in the Islamic Republic of Iran

44. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the Non-Aligned Movement and referring to country-specific resolutions in the area of human rights, said that his delegation reaffirmed the need to prevent the exploitation of human-rights issues for political purposes, including the selective targeting of certain countries, and condemned selectivity and double standards in the promotion and protection of human rights. In that regard, he urged all States members of the Non-Aligned Movement to abide by the Movement's Founding Principles and the principles of the Charter of the United Nations when voting on country-specific draft resolutions before the Third Committee.

45. *Mr. Al Bayati (Iraq) resumed the Chair.*

46. **Ms. Hastaie** (Islamic Republic of Iran) requested that, in accordance with rule 116 of the rules of procedure, the debate on the draft resolution should be adjourned in view of the broad opposition among delegations to country-specific resolutions.

47. **The Chairman** invited two representatives to speak in favour of, and two against, the motion to adjourn the debate, before putting it to the vote, in accordance with rule 116.

48. **Mr. Amil** (Pakistan), speaking in support of the motion, said that one of the lessons learned from previous meetings of the Third Committee at which country-specific resolutions had been debated was that such resolutions, far from encouraging greater promotion of human rights in the countries in question, served to estrange and alienate Governments through the confrontational "name and shame" approach. Furthermore, they often overlooked and ignored national efforts to protect and promote human rights, instead creating artificial barriers to equitable and constructive dialogue among Member States and relevant international human rights mechanisms. The international human-rights agenda should be addressed in a fair and balanced manner, which could be achieved only through dialogue and cooperation, not through exclusion and confrontation. Pakistan had consistently opposed such resolutions, and would therefore vote in favour of the no-action motion, and strongly urged all other delegations to do likewise so as to save the Third Committee from indulging in the undesirable practice of naming and shaming developing countries.

49. **Mr. Anshor** (Indonesia) said that his country consistently supported the reform of the United Nations human-rights system, efforts to enhance the credibility of its machinery in addressing human-rights situations, and the international endeavour to improve the human-rights situation worldwide. However, it was imperative to eliminate the practices of politicization and selectivity associated with country-specific resolutions, since they had severely undermined the effectiveness of the defunct Commission on Human Rights. Therefore, in addressing country-specific situations, it was crucial to observe faithfully the relevant principles contained in General Assembly resolution 60/251 establishing the Human Rights Council.

50. Indonesia supported any effort to develop new modalities of addressing human-rights situations that enjoyed broad support from Member States. Those modalities should emphasize a constructive approach and give due consideration to the capacity-building needs of Member States, and, in order to increase their effectiveness, a coherent approach among relevant United Nations bodies in addressing the issue should also be formulated.

51. The tabling of draft resolutions such as A/C.3/61/L.41 contributed nothing to efforts to enhance the credibility of the United Nations human-rights machinery in addressing country-specific situations or in enhancing human-rights promotion and protection in general. His delegation would therefore vote in favour of the no-action motion, and appealed to all delegations to do likewise.

52. **Mr. McNee** (Canada), speaking against the motion, said that one of the fundamental responsibilities of the Third Committee was to address

human-rights concerns wherever they might arise, and that no country should be beyond scrutiny. While no country could claim to have a perfect human-rights record, cases in which Governments had condoned and often been the instrument of human-rights violations particularly merited attention. It was important that the international community should be able to speak out against such cases. When a country failed to demonstrate the will to protect its own citizens, cooperate with the international community or acknowledge the need to redress a serious situation, the international community had no choice but to express its views.

53. The draft resolution was not frivolous; the matter had been brought forward once again in 2006 because it was essential that the General Assembly should send out a sustained and consistent message that the human-rights situation in Iran had not been forgotten and that there were expectations of real change for the better. A procedural motion should not be used to thwart the Third Committee in its efforts to engage in debate or express concerns on the human-rights situation in any country. A no-action motion negated the jurisdiction and responsibility of the General Assembly, undermined its credibility and seriously weakened its relevance.

54. As a matter of principle, therefore, Canada would not bring forward a no-action motion on the draft resolution proposed by Iran on the situation of indigenous people and immigrants in Canada, despite its belief that that resolution did not stand up to scrutiny on its merits.

55. A successful no-action motion on draft resolution A/C.3/61/L.41 would convey a negative message to the world that the General Assembly refused to assume its responsibility to examine a serious human-rights situation. If the United Nations was to be a credible voice on human rights, it must consider serious human-rights situations on their merits. His delegation therefore strongly urged delegations to vote against the motion.

56. **Ms. Nassau** (Australia) said it was deeply regrettable that a no-action motion had been put forward. Australia was intent on ensuring that United Nations bodies continued to be forums for addressing serious human-rights violations. Regardless of the content of any resolution, therefore, all texts submitted to the Third Committee should be reviewed, and action taken, on their merits. Delegations should be able to register their views on the content of any resolution, and procedural motions should not be used to prevent them from expressing those views. Her delegation therefore opposed all no-action motions on principle, and called on other delegations to join it in opposing the motion.

57. *A recorded vote was taken on the motion for adjournment of debate.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Namibia, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste,

Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Bolivia, Bosnia and Herzegovina, Brazil, Cape Verde, Colombia, Ethiopia, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Madagascar, Malawi, Mauritius, Mozambique, Nepal, Nigeria, Papua New Guinea, Rwanda, Turkmenistan, Uganda, United Republic of Tanzania.

58. *The motion was rejected by 77 votes to 75, with 24 abstentions.*

59. **Mr. Khane** (Secretary of the Committee) read out a number of technical corrections made to the text of the draft resolution at the request of the main sponsor, since the sponsors had not agreed with certain editorial changes introduced by the Secretariat.

60. Regarding the programme budget implications of the draft resolution, the Secretary-General had informed the General Assembly (A/61/530) that, under sections 2, 23 and 28E, provisions had already been made from the 2006-2007 programme budget for activities relating to the various human-rights mandates listed in the annex to Human Rights Council decision 1/102. In that decision, the Human Rights Council had extended exceptionally for one year, subject to the Council's review, the mandates and mandate-holders of all Commission on Human Rights special procedures of the Subcommission on the Promotion and Protection of Human Rights, and the procedure established under Economic and Social Council resolution 1503 (XLVII), as listed in the annex to the decision, which included the mandate-holders.

61. **Mr. McNee** (Canada), introducing draft resolution A/C.3/61/L.41 on behalf of its 43 sponsors, said the human-rights situation in the Islamic Republic of Iran was a cause for serious concern. Every effort at accuracy and balance had been made in the draft resolution, which recognized some sporadic and meagre progress, but also underscored key concerns and called upon the Government to accelerate progress on improved human rights for all Iranians.

62. All avenues must be explored in order to encourage positive change, and the draft resolution would be instrumental in calling the world's attention to the country's human-rights situation. The sponsors looked forward to the day when Iran's commitment to human rights and its willingness to abide by its international obligations made such a resolution no longer necessary. Meanwhile, he strongly urged all delegations to support it.

63. **Mr. Maurer** (Switzerland), speaking also on behalf of Liechtenstein in explanation of their position, expressed their strong preference for country-specific resolutions to be adopted after consultation with the country concerned, with the broadest possible consensus and focusing on technical assistance and capacity-building. Since consensus was not always possible, they supported draft resolutions that addressed grave human-rights violations in countries where national laws and institutions did not provide the necessary protection, where the Government concerned did not cooperate with the international community or satisfactorily implement the recommendations of the United Nations human-rights mechanisms, and where human-rights protection structures and counter-abuse mechanisms were urgently needed.

64. In the context of armed conflict, draft resolutions should deal accurately and in a balanced manner, on the basis of the international humanitarian law, with violations that occurred. Also, the two delegations opposed double standards in both thematic and country-specific draft resolutions, but set great store by international human-rights law. A differentiated appreciation of the human-rights situation in countries under consideration was not a double standard, but merely applied a single standard to different situations. Every country could help fight double standards by increasing its own transparency.

65. Having consistently advocated the creation of an effective universal periodic review in the Human Rights Council, the two delegations welcomed the possibility of convening special sessions of the Council to deal with serious human-rights situations.

66. In the light of the foregoing, Switzerland and Liechtenstein would vote in favour of the draft resolution.

67. **Ms. Ajdalova** (Azerbaijan), speaking on behalf of the Organization of the Islamic Conference (OIC), reiterated its strong opposition to country-specific draft resolutions. OIC firmly believed in a constructive and dialogue-based approach to human-rights situations. Such resolutions — far from contributing to the promotion and protection of human rights — exploited them for political purposes and further divided

Member States. The Iranian Government had demonstrated its readiness to engage in constructive dialogue with all countries and to cooperate with the Office of the High Commissioner for Human Rights. Adoption of the draft resolution would discourage further national efforts, escalate mistrust and undermine the credibility of the international community's human-rights efforts.

68. **Mr. Berruga** (Mexico) recalled that the reasons for the decision for substantive reform of the international human-rights system included the need for the consolidation of human rights as one of the pillars of the United Nations, for better balance in the consideration of human-rights situations and for the elimination of the practices that had bedevilled the erstwhile Commission on Human Rights. It was disturbing that the traditional mechanisms still persisted, even as the new Human Rights Council was beginning its consolidation work.

69. Although the major innovation of the universal periodic review of each Member State's compliance by the Human Rights Council on the basis of objective and reliable information did not necessarily exclude the adoption of country-specific resolutions, it was a sad truth that such resolutions did not contribute to effective cooperation in human rights, but sometimes represented clear reprisals.

70. At the same time, without effective coordination between the work of the Third Committee and that of the Human Rights Council, the efforts of both bodies might become diluted, to the detriment of human rights and of the objectives set at the 2005 World Summit.

71. Mexico would therefore abstain in the vote on the draft resolution and all others to be submitted under agenda item 67 (c).

72. **Mr. Soler Torrijos** (Panama) said the subject was a matter for the Human Rights Council, which was in the process of establishing the mechanism for its universal periodic review on a case-by-case basis, there being some cases of dubious merits. The time had therefore come for the Committee to cease consideration of country-specific draft resolutions, which only led to politicization.

73. **The Chairman** announced that a recorded vote had been requested.

Explanation of vote before the voting

74. **Mr. Manis** (Sudan) said it was very disquieting that a mere year after world leaders had decided to establish the new Human Rights Council, based on non-politicization and the elimination of double standards, the international community was back where it had started. Country-specific draft resolutions were merely a means of settling scores and protecting the interests of some countries, rather than of protecting and promoting human rights.

75. Ironically, although the authors of the draft resolution were themselves guilty of human-rights violations, they had decided to target the Islamic Republic of Iran, despite the cooperation and openness it had displayed through its open invitation to human-rights mechanisms to visit the country and see the situation for themselves. Defamation was the sole purpose of such draft resolutions, which targeted developing and Muslim countries. His delegation would therefore vote against the draft resolution.

76. **Mr. Rachkov** (Belarus) said that his delegation had repeatedly expressed its opposition to politicized country-specific resolutions. The draft resolution was selective and biased. It did not reflect a concern for human rights; rather it was intended to affect the domestic and foreign policies of the Islamic Republic of Iran, which acted independently in the international arena. A sovereign State with a centuries-long history, Iran was concerned with the well-being and development of its people. Politically motivated external pressure from Governments with spurious motives was counterproductive. Therefore, his delegation would vote against the draft resolution.

77. **Ms. Gendi** (Egypt) reiterated Egypt's unwavering opposition to such country-specific resolutions, as they increased selectivity on human-rights issues. They did not allow the Committee to address such issues objectively and sincerely and in the spirit of international cooperation. The targeted nature of the resolutions undermined efforts to promote and protect human rights. Human-rights issues should be addressed through the universal periodic review. Furthermore, the same delegations which submitted such draft resolutions to the Committee every year routinely voted against resolutions on human-rights violations in Palestine and Lebanon, which gave rise to doubts about their genuine will to protect human-rights. Human-rights issues must be considered on an equal footing

with respect to all countries, large and small. Her delegation would therefore vote against the draft resolution.

78. **Mr. Amorós Núñez** (Cuba) said that the draft resolution was not broadly supported. It was not based on a genuine aspiration to support human rights; on the contrary, it reflected double standards and the politicization of the issue. The draft resolution ran counter to current efforts to address human-rights issues in a fresh and impartial way. His delegation would therefore vote against it.

79. **Mr. Kitchen** (Zimbabwe) said that draft resolutions like the one under consideration did not advance the human-rights agenda. Rather, there was wide agreement that they undermined it. General Assembly resolution 60/251 on the Human Rights Council underlined the primacy of dialogue and cooperation and highlighted the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights. It was therefore unacceptable that delegations sought to exploit the human-rights agenda for political purposes. The sponsors of the draft resolution might examine their own records before naming and shaming countries with which they had difficult relations. It was unlikely that such human-rights monitors would soon be tabling resolutions on their own violations. Given the political motivations behind the draft, it was difficult to accept that the sponsors were themselves committed to genuine dialogue on human rights. His delegation would therefore vote against the draft resolution.

80. **Ms. Zhang** Dan (China) said that General Assembly resolution 60/251 underscored the need to respect the various historical, cultural and religious backgrounds of countries in the process of promoting and protecting human rights. It also reaffirmed that all human rights must be treated in a fair and equal manner. Differences on human-rights issues should be resolved through dialogue and operation. Her Government was opposed to any country-specific resolution. The draft resolution had not been submitted out of any genuine interest in the human rights of the Iranian people; rather it served political purposes. Her delegation would therefore vote against it.

81. **Mr. Swe** (Myanmar) said that the Committee was increasingly abused by powerful States to put pressure on developing countries for political reasons. By thus provoking mistrust and confrontation, such action diminished the cause of human rights. The draft resolution constituted the conduct of foreign policy by other means. The promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human-rights obligations. Country-specific, politically motivated resolutions would not serve that purpose. The logical forum for consideration of human-rights issues should be the Human Rights Council. The Committee should avoid duplication of the work of the Council. His delegation would therefore vote against the draft resolution.

82. **Ms. Halabi** (Syrian Arab Republic) said that her delegation rejected politicization, selectivity and double standards in addressing human rights as well as the use of human-rights issues for interfering in internal affairs and encroaching on national sovereignty. Her delegation would therefore vote against the draft resolution.

83. **Mr. Chaderton-Matos** (Bolivarian Republic of Venezuela) said that some well known human-rights offenders were among the sponsors of the draft resolution. His Government took issue with the practice of introducing such country-specific resolutions in such a selective and politicized manner, in contravention of the principle of respect for sovereignty and non-interference in the internal affairs of States. Such an approach affected the victims of human-rights violations, who were instruments of political interests and strategic confrontation. His delegation would therefore vote as a matter of principle against any draft resolution which reflected such an unwelcome, inconsistent and undue practice.

84. **Mr. Arziev** (Uzbekistan) said that his delegation firmly opposed the practice of politicization, double standards and selectivity in dealing with human rights. The draft resolution was politically motivated and biased and had nothing to do with the true human-rights situation in the Islamic Republic of Iran. His delegation would therefore, as a matter of principle, vote against it.

85. **Mr. Degia** (Barbados) said that his delegation had hoped that the establishment of the Human Rights Council would usher in a new era of dialogue, cooperation, non-selectivity, non-politicization and genuine concern for human rights. As a country with a paradoxical history of slavery and colonialism having

existed alongside a tradition of parliamentary democracy going back more than 300 years, Barbados attached the highest importance to the issue of human rights and democracy in both its domestic and its foreign policy. His delegation was therefore deeply concerned at the highly political and divisive nature of the human-rights debate in the Committee, particularly concerning country-specific resolutions. As a matter of principle, his delegation would continue either to abstain from voting on country-specific resolutions or to support the no-action motions.

86. **Mr. Dukali** (Libyan Arab Jamahiriya) said that his delegation opposed country-specific resolutions and supported the principles which underlay the establishment of the Human Rights Council. Previous experience in the Commission on Human Rights had shown that such resolutions brought no benefits. His delegation would therefore vote against the draft resolution.

87. **Ms. Hastaie** (Islamic Republic of Iran) said the draft resolution was once again unwarranted and was yet another political manoeuvre by the Government of Canada to serve its narrow political interests and revealed the constant abuse and manipulation of United Nations human-rights mechanisms to such ends, at the expense of their credibility and integrity, as underlined by the Secretary-General himself. Her country did not oppose the scrutiny of Member States by relevant bodies and had supported the recommendation for an annual report on the human-rights situation worldwide, a recommendation strongly opposed by "the few" that had arrogated exclusive ownership of the United Nations human-rights-protection system to themselves.

88. While no Member State could justly claim that the human-rights situation within its territory should be beyond scrutiny, the present system did not afford worldwide scrutiny. Canada, with its questionable human-rights record, particularly regarding indigenous peoples and immigrants, and a relentless supporter of Israel's crimes against Palestinians, had presumed to submit a draft resolution on human rights in Iran. Reports by human-rights bodies had shown Canada, the United States and many European countries to be guilty of serious human-rights violations.

89. There was no denying that the basic rights of Muslims in those countries had been violated by growing Islamophobia and defamation and that those so-called defenders of human rights had voted against three draft resolutions on Israeli atrocities against the Palestinian and Lebanese people. The fact that Israel, with its appalling record of war crimes and systematic human-rights violations, was a sponsor of the draft resolution spoke volumes for Canada's deceitfulness and ill-will. Its baseless accusations were predicated upon illusions and fantasies. Iran, on the basis of its Islamic values and international obligations and its commitment to respect human dignity and protect and promote human rights at the national and international levels, was determined to build a society based on social justice, democracy and good governance.

90. In its belief that cooperation, mutual understanding and respect should lie at the heart of the human-rights dialogue, Iran had engaged in bilateral dialogue with some countries and had held four rounds of talks with the European Union since 2002; they had focused equally on concerns in both Iran and the European Union and were set to resume in December 2006. Adoption of the draft resolution could jeopardize not only cooperation and understanding on human rights, including those very talks, but also Iran's cooperation with the United Nations human-rights mechanisms. Given the blatant misuse of Iran's good intentions of cooperating with the Office of the High Commissioner for Human Rights, the Government might reconsider its standing invitation to the thematic rapporteurs. She urged the Committee to reject the draft resolution in order to preserve the credibility and legitimacy of the human-rights mechanisms.

91. *A recorded vote was taken on draft resolution A/C.3/61/L.41.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bulgaria, Burundi, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Tuvalu,

Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cambodia, Cameroon, Cape Verde, Colombia, Congo, Costa Rica, Côte d'Ivoire, Eritrea, Ethiopia, Georgia, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Panama, Papua New Guinea, Philippines, Republic of Korea, Rwanda, Sierra Leone, Singapore, Suriname, Swaziland, Thailand, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

92. *Draft resolution A/C.3/61/L.41 was adopted by 70 votes to 48, with 55 abstentions.*

93. **Mr. Ballestero** (Costa Rica) said that his delegation had abstained and would continue to abstain from voting on any resolution on country-specific violations of human rights. All country-specific resolutions should be dealt with by the Human Rights Council. His delegation appealed to the Iranian Government to address all human-rights issues and to work closely with the Council.

94. **Ms. Abdelhak** (Algeria) said that her delegation had voted against the draft resolution and would vote against country-specific resolutions, since they maintained an atmosphere of confrontation which jeopardized the cause of human rights. Only a cooperative approach, based on genuine dialogue, could help to promote human rights. Such dialogue should underlie the universal-periodic-review mechanism of the Human Rights Council, which was the appropriate mechanism for helping all countries to improve their human-rights situation.

95. **Ms. Maierá** (Brazil) said that her delegation favoured the implementation of the universal-periodic-review mechanism, which would allow the United Nations to examine thoroughly the human-rights situation in all countries without selectivity and politicization. Country-specific resolutions should be adopted only in cases of such gravity that particular attention of the international community was warranted. Her delegation had therefore abstained from voting on the draft resolution. The Islamic Republic of Iran was involved in technical cooperation on human rights with several United Nations agencies and maintained bilateral dialogue on human-rights issues with numerous countries.

96. Her Government remained concerned, however, with the situation in the Islamic Republic regarding freedom of expression and opinion, violence and discrimination against women as well as the imposition of cruel punishment and treatment. Information on the continued application of the death penalty to persons under the age of 18 was particularly disquieting.

97. Brazil remained seriously concerned as well with the widespread discrimination against the Baha'i community, including the refusal to recognize Baha'ism as a religion, arbitrary detentions, prisoners of conscience, restrictions on the right to work and education of its members as well as the destruction of its cultural legacy. Her delegation hoped that the Iranian Government would promptly accept a visit of the Special Rapporteur on freedom of religion or belief.

98. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, said that the international community could not remain silent in situations where human-rights violations were continuous, grave and widespread and the Governments in question did not demonstrate any willingness to address the situations or engage in meaningful dialogue. All States, large and small, should be held accountable for fulfilling their obligations.

99. The situation of human rights in the Islamic Republic of Iran met those criteria and must be addressed by the General Assembly. While the draft resolution welcomed the positive steps that the Iranian Government had taken in the recent past towards meeting its human-rights obligations, it also drew attention to the persistence of grave and systematic human-rights violations such as the use of torture and cruel, inhuman or degrading treatment or punishment, including public executions and the issuing of sentences of stoning, as well as discrimination against women and ethnic and religious minorities. The European Union was also concerned about the continued discrimination on the basis of sexual orientation. It urged the Iranian Government to promote and protect the human rights of all its citizens, regardless of gender, religion, ethnicity, belief and sexual orientation.

100. **Mr. Ballestero** (Costa Rica) said that his delegation regretted that, contrary to the rules of procedure, unconstructive action had been allowed to occur earlier in the current meeting. Statements on a point of order should be directed to the Chairman. They had never meant to be used as a mechanism to prevent statements from being made by other delegations. It was for the Chairman, not the Secretary, to rule on points of order. His delegation noted with concern the violations of the rules and hoped that, when points of order were raised in future, the Chairman and the Secretary would act in conformity with usual practice.

101. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, said that the European Union, too, was concerned with violations or misapplications of the rules. As a matter of principle it would vote against any motion to close the debate on an item under discussion in the Committee. Calling for such a motion was aimed at denying Member States their sovereign right to bring before the General Assembly any concern which they deemed to merit its attention. Motions to adjourn the debate limited the authority of the Committee by preventing it from even considering the concerns of the international community. No country could be regarded as being above consideration by international human-rights forums. That would run counter to the principles of the universality and interdependence of all human rights and betray the victims of abuse.

The meeting rose at 1.25 p.m.